

ASSIGNED  
50784

AMENDED

Serial No.

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE  
STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office April 3, 1987

Returned to applicant for correction June 1, 1987

Corrected application filed JUN 25 1987 Map filed JUN 25 1987 under 50781;  
Exist. POD under 00563

The applicant Freeport-McMoRan Gold Company

Mountain City Star Route

of Elko

Street and No. or P.O. Box No.

City or Town

Nevada 89801

State and Zip Code No.

hereby make application for permission to change the

point of diversion, place of use and manner of use of a portion

Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under claim 00563 of the "Edwards decree", being civil action

(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

No. 2804 of the Sixth Judicial District Court of the State of Nevada

identify right in Decree.)

1. The source of water is North Fork, Humboldt River  
Name of stream, lake, underground spring or other source.
2. The amount of water to be changed 0.5  
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for mining, milling and domestic  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
4. The water heretofore permitted for decreed uses (irrigation and stockwater)  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
5. The water is to be diverted at the following point Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) Sec. 2, T.42N., R.53E., M.D.M.,  
Describe as being within a 40-acre subdivision of public survey and by course and  
from which the SE corner of Sec. 31, T.43N., R.54E., bears N.85°50'E., 10,885  
distance to a section corner. If on unsurveyed land, it should be stated.  
ft dist.
6. The existing permitted point of diversion is located within SE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 32, T.43N., R.54E., M.D.M.,  
If point of diversion is not changed, do not answer.  
and conveyed to existing place of use in the Rutherford Ditch.
7. Proposed place of use See attachment  
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
8. Existing place of use portions of S $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 4, T.42N., R.54E., M.D.M., portions of  
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or  
Lots 1 and 2 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) Sec. 4, T.42N., R.54E., M.D.M., totaling 41.05 acres  
manner of use of irrigation permit, describe acreage to be removed from irrigation.
9. Use will be from January 1 to December 31 of each year.  
Month and Day Month and Day
10. Use was permitted from as decreed to of each year.  
Month and Day Month and Day
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and  
specifications of your diversion or storage works.) See attached sheet  
State manner in which water is to be diverted, i.e. diversion structure, ditches,  
pipes and flumes, or drilled well, etc.
12. Estimated cost of works \$20,000.00
13. Estimated time required to construct works one year

14. Estimated time required to complete the application of water to beneficial use...three years.....

15. **Remarks:** For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Estimated annual consumption: 1,200 tons of ore processed per day, using 270,000 gallons per ton. Operations to be conducted daily, year-around. Total consumption from this and accompanying applications to change will not exceed 120 acre-feet per year. Water sought by this application to be comingled with that under applications 50508, 50509 & 50672

By s/ William A. Nisbet  
William A. Nisbet, agent  
421 Court Street  
Elko, Nevada 89801

Compared          pm/          se          pm/          se

Protested July 13, 1987 by U. S. A. - Forest Service (Protest overruled 1/19/88 Ru1. #3489)

APPROVAL.....OF STATE ENGINEER

**This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:**

This permit to change the point of diversion, place and manner of use of the waters of North Fork Humboldt River as heretofore appropriated under Proof 00563 as appears in the Humboldt River Decree No. 2804 entered October 20, 1931 and October 7, 1935, in the District Court of the Sixth Judicial District of the State of Nevada, in and for the County of Humboldt, is issued subject to the terms, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

This permit is granted for the period April 15 through August 15 each year and then only when in priority, which is set by the Humboldt River Water Commissioner.

This permit is approved subject to the State Engineer's Ruling Number 3489 dated January 19, 1988.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed.....0.474.....cubic feet per second, but not to exceed 37.66 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before..... January 20, 1989

Proof of completion of work shall be filed before..... February 20, 1989

Application of water to beneficial use shall be made on or before January 20, 1992

Proof of the application of water to beneficial use shall be filed on or before..... February 20, 1992.

Map in support of proof of beneficial use shall be filed on or before..... N/A

Completion of work filed MAR 22 1969 IN TESTIMONY WHEREOF, I PETER G. MORROS,  
State Engineer of Nevada, have hereunto set my hand and the seal of  
Proof of beneficial use filed \_\_\_\_\_ my office, this 20th day of January

**Cultural map filed**.....

**Certificate No.**.....**Issued**.....

 2407 (Rev. 6-81)

IN TESTIMONY WHEREOF, I, PETER G. MORROS,  
State Engineer of Nevada, have hereunto set my hand and the seal of  
my office, this 20th day of January

A.D. 19. 88

**CANCELLED** APR 21 2003 **BECAUSE OF FAILURE**  
**OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT**

STATE ENGINEER

## ATTACHMENT

7. Proposed place of use: portions of:
- T.42N., R.53E.: Sec. 1: Lots 1, 2, 3, 4; S $\frac{1}{2}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ; Sec. 2: all,  
Sec. 11: all, Sec. 12: W $\frac{1}{2}$ , W $\frac{1}{2}$  E $\frac{1}{2}$
- T.43N., R.53E.: Sec. 35: S $\frac{1}{2}$  SE $\frac{1}{4}$ ; Sec. 36: SE $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , E $\frac{1}{2}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SW $\frac{1}{4}$
- T.42N., R.54E.: Sec. 3: N $\frac{1}{2}$ , E $\frac{1}{2}$  SW $\frac{1}{4}$ ; Sec. 4: Lots 1, 2, 3, 4; Sec. 5: Lots 5, 6;  
Sec. 10: NE $\frac{1}{4}$ ; Sec. 11: S $\frac{1}{2}$  NW $\frac{1}{4}$ , N $\frac{1}{2}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ; Sec. 12: S $\frac{1}{2}$  S $\frac{1}{2}$
- T.43N., R.54E.: Sec. 31: S $\frac{1}{2}$  N $\frac{1}{2}$ , S $\frac{1}{2}$ ; Sec. 32: S $\frac{1}{2}$  NW $\frac{1}{4}$ , S $\frac{1}{2}$ ; Sec. 33: S $\frac{1}{2}$  S $\frac{1}{2}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$ ;  
Sec. 34: SW $\frac{1}{4}$ , S $\frac{1}{2}$  SE $\frac{1}{4}$



## ITEM 11

Construct inlet works and transmission line from proposed point of diversion located in Sec. 4, T.42N., R.54E., to proposed mill site in portions of Sec. 3, T.42N., R.54E., and Sec. 34, T.43N., R.54E., M.D.M., as well as divert water at other proposed points of diversion by means of direct portable pump transfer to water truck(s) for purposes of dust suppression, road construction and related mining and milling activities

